

REMARKS

This paper is in response to the Final Official Action mailed April 15, 2009. In the present paper, claim 35 is amended. Claims 4, 5, 8, 12-23, 28, 29 and 32 were canceled in a previous paper. Claims 1-3, 6, 7, 9-11, 24-27, 30, 31 and 33-37 are now presented for the Examiner's consideration in view of the following remarks.

Claim Objections

The Examiner has objected to claim 35 as being in improper dependent form. The Examiner points out that the element "encrypted versions" was amended in the parent claim, but not in claim 35. Applicants have amended claim 35 to claim "secure patient codes" as claimed in the parent claim as amended in the previously-filed Amendment.

The undersigned wishes to thank the Examiner for his careful review of the claims.

Claim Rejections over Cited Art

The Examiner has maintained the rejections of all claims over cited art.

In the previous response, the Applicants pointed out that the combination of two pieces of information (candidate identity plus medical trial information) could reveal sensitive medical information about the patient, and that the claimed invention addresses that problem by forwarding those two pieces of information separately from two different sources to the candidate contact. The independent claims require that the identity of the proposed clinical trial candidate be forwarded from the data exchange service to a candidate contact. The independent claims further require that the medical trial information be forwarded by a different source: the

clinical trial candidate identification service (CTCIS). Specifically, independent method claim 1 requires:

forwarding from the clinical trial candidate identification service to the candidate contact, descriptive information about the clinical trial.

Similarly, independent system claim 24 requires:

[a CTCIS for] forwarding information about the clinical trial to a candidate contact.

In each case, the information about the clinical trial is forwarded to the candidate contact by the *clinical trial candidate identification service* (i.e., the CTCIS). The CTCIS is an integral part of the system of the invention (specification at [0036]), and is claimed to perform several tasks in addition to forwarding the clinical trial information to the patient contact. In the method of claim 1, patient data is forwarded from the data exchange service to the CTCIS, and the clinical trial candidate proposal is sent by the CTCIS to the data exchange service. In the system of claim 24, the CTCIS, in addition to forwarding the clinical trial information to the patient contact, receives the patient records with secure patient codes from the data exchange service, identifies a patient record as a clinical trial candidate for a clinical trial, and forwards the secure patient code of the identified patient record to the data exchange service. Both independent claims therefore require that the information about the clinical trial be forwarded to a candidate contact by the CTCIS, a very specific, integral element of the system.

In rejecting the claims as amended, the Examiner cites a passage of Knight describing the display of clinical trial contact information to trial candidates on the Web as teaching the above limitations. The Examiner reasons:

. . . Only trial contact information is displayed on the web.

Therefore the patient or healthcare professional contacts the trial contact to get the detailed clinical trial information.

Final Official Action of 4/15/2009 at 13-14. Applicants assert that even if Knight explicitly taught the forwarding of information about the clinical trial to a candidate contact (which it does not), Knight does not teach forwarding the trial information by the *clinical trial candidate identification service* (CTCIS), as required by both independent claims.

Knight instead teaches displaying “trial contact information” on the Web (Knight at [0126]). The trial contact information of Knight includes the trial title, trial sponsor, trial location and a trial contact entity (Knight at [0083]; FIG. 13). The trial contact information thus provides information for contacting the *trial sponsor* (Knight at [0083]; FIG. 13). The trial contact information of Knight does not provide any information for contacting a *clinical trial candidate identification service* (CTCIS), as claimed. The trial sponsor of Knight is not a CTCIS as claimed at least because it does not (1) receive patient records with secure patient codes from the data exchange service, and (2) forward the secure patient code of an identified patient record to the data exchange service. Instead, a trial sponsor of Knight simply posts trial data or trial-specific criteria to the recruitment system (Knight at [0054]). Even if Knight is read to inherently teach forwarding trial information from the trial sponsor (which it does not, it merely teaches providing contact information), Knight does not teach forwarding trial information from a CTCIS, as claimed.

By referring the candidate to the trial sponsor for trial information, Knight protects the proprietary information of the trial sponsor (Knight at [0126]), but exposes the identity of the candidate to an entity (the trial sponsor) not previously involved in the transaction. In contrast, the CTCIS of claims 1 and 24 has already conducted transactions involving the secure patient

code of the patient before forwarding trial information, and can therefore verify the patient contact's identity.

Applicants therefore assert that Knight does not teach forwarding trial information to a CTCIS, and that each of the currently presented claims is patentable for at least that reason.

Conclusion

Applicants therefore respectfully assert that claims 1-3, 6, 7, 9-11, 24-27, 30, 31 and 33-37 and are in condition for allowance, and earnestly request that the Examiner issue a Notice of Allowance.

Should the Examiner have any questions regarding the present case, the Examiner should not hesitate in contacting the undersigned at the number provided below.

Respectfully,

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Date: May 20, 2009